

PATENT COOPERATION TREATY

From the:

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

IPPC (Sydney)

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18 AUG 2004

ARNO processed by
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PCT

WRITTEN OPINION

(PCT Rule 66)

To:

Davies Collison Cave
GPO Box 3876
SYDNEY NSW 2001Date of mailing
(day/month/year)

6 AUG 2004

Applicant's or agent's file reference
12197061/CJC

REPLY DUE

within TWO MONTHS
from the above date of mailing

International Application No.

PCT/AU2003/001653

International Filing Date (day/month/year)

11 December 2003

Priority Date (day/month/year)

12 December 2002

International Patent Classification (IPC) or both national classification and IPC

Int. Cl.⁷ B65D 81/02, 85/82, 25/54, B25J 21/02, A62B 29/00

Applicant

ROBERTS, Timothy et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
12 April 2005

☒ The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the **Final Date** by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. If no response is filed by 1 month before the **Final Date**, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the **Final Date** by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6.

Name and mailing address of the IPEA/AU

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I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-20	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-20	NO
Industrial applicability (IA)	Claims 1-20	YES
	Claims	NO

2. Citations and explanations

☒ NOVELTY Claims 1-20

D1-US 20020105251 A1 (abstract and figure 3)

D2-DE 2922321 A1 (abstract and figure 1)

D3 GB 2306376 A (abstract and figure 1)

D4-BE 869738 A (abstract and figure 1)

D5-FR 2254409 A (abstract and figure 1)

All the documents disclose an sealed inspection unit for a potentially dangerous object including at least one glove member allowing a user external to the unit to manipulate the object within the unit. They fail to disclose a transportation unit adapted to wholly receive the inspection unit and provide a further sealed environment containing the inspection unit. Therefore the claimed invention is considered to be novel.

See however the indication contained in Box VI for "Certain documents cited".

☒ INVENTIVE STEP Claims 1-20

D6-JP 63138991 A (container B, figure 1)

D7-FR 2823731 A (abstract, figure 1, item 1)

D8-US 4460102 A (abstract, figure 1, item 1)

D9-US 4972087 A (abstract, figure 1, item 1)

D1-D5 do not disclose a transportation container when taken alone but when combined with D6-D9, as would be obvious to a person skilled in the art, would disclose all of the features of the claimed invention. These documents disclose a transportation container as stated in the brackets. Therefore the claimed invention lacks an inventive step

D1-D5 even taken alone would not involve an inventive step because the only difference being the absence of a transportation container in these documents. I consider that this difference constitutes no more than a mere workshop improvement. It is an arrangement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone.

WRITTEN OPINION

International application No.

PCT/AU2003/001653

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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P,X CA 2360910 A1	30 April 2003	30 October 2001	30 October 2001
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CA 2360910 A1 shows an inspection unit 17 with gloves 7 and a transportation unit 25 in figure 9.

With regard to the document(s) listed in Box VI under "certain documents cited", these are documents published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of documents published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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